

Back in the late seventies, when diet-conscious Americans were guzzling Tab soda and putting Sweet and Low in their iced tea, it became important that consumers become aware of any health threats posed by the use of saccharin. Today, however, we are facing a situation in which saccharin has not only been replaced as the main sweetening agent, but labels identifying its use dot the labels of all products that contain it.

H.R. 1787 recognizes that now that market and health forces have diminished the use of saccharin in food and drink, there is no longer a need for information overkill on this subject. This legislation simply allows grocery stores the chance to back away from the requirement of posting warning signs in their stores about saccharin's potential health effects. I believe this prudent progression will still allow consumers the appropriate warning of their favorite product's labels, while at the same time remove this bothersome requirement from our Nation's many grocery stores, from the Kroger's to the Mutach Food Market in Marblehead, OH.

While you can lead a horse to water, Mr. Speaker, you cannot make it drink. While all of us would prefer a risk-free society, it just is not possible. People who are worried about their health will read labels and warnings signs no matter how numerous or large they are. I believe H.R. 1787 recognizes this fact and hopefully will end the new rash of nuisance lawsuits springing up in this country over this matter. I urge all my colleagues to support this bill.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). Pursuant to the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and (three-fifths having voted in favor thereof) the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1787, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

EMPLOYER TRIP REDUCTION PROGRAMS

The Clerk called the bill (H.R. 325) to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles travelled in ozone nonattainment areas

designated as severe, and for other purposes.

The Clerk read the bill, as follows:

H.R. 325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OPTIONAL EMPLOYER MANDATED TRIP REDUCTION.

Section 182(d)(1)(b) of the Clean Air Act is amended by to read as follows:

“(B) The State may also, in its discretion, submit a revision at any time requiring employers in such area to implement programs to reduce work-related vehicle trips and miles travelled by employees. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(f) and may require that employers in such area increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods. The guidance of the Administrator may specify average vehicle occupancy rates which vary for locations within a nonattainment area (suburban, center city, business district) or among nonattainment areas reflecting existing occupancy rates and the availability of high occupancy modes. The revision may require employers subject to a vehicle occupancy requirement to submit a compliance plan to demonstrate compliance with the requirements of this paragraph.”.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the enacting clause and insert:

SECTION 1. OPTIONAL EMPLOYER MANDATED TRIP REDUCTION.

Section 182(d)(1)(B) of the Clean Air Act is amended to read as follows:

“(B) The State may also, in its discretion, submit a revision at any time requiring employers in such area to implement programs to reduce work-related vehicle trips and miles travelled by employees. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(f) and may require that employers in such area increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods. The guidance of the Administrator may specify average vehicle occupancy rates which vary for locations within a nonattainment area (suburban, center city, business district) or among nonattainment areas reflecting existing occupancy rates and the availability of high occupancy modes. Any State required to submit a revision under this subparagraph (as in effect before the date of enactment of this sentence) containing provisions requiring employers to reduce work-related vehicle trips and miles travelled by employees may, in accordance with State law, remove such provisions from the implementation plan, or withdraw its submission, if the State notifies the Administrator, in writing, that the State has undertaken, or will undertake, one or more alternative methods that will achieve emission reductions equivalent to those to be achieved by the removed or withdrawn provisions.”.

Mr. BILIRAKIS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from California [Mr. WAXMAN] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BILIRAKIS asked and was given permission to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I am pleased that the Health and Environment Subcommittee and the full Commerce Committee were able to report H.R. 325, legislation to amend the Clean Air Act regarding the employer-trip-reduction program.

Very briefly, the legislation repeals the current Federal requirement that 11 States and an estimated 28,000 private employers implement the employer-trip-reduction program. The legislation makes the employer-trip-reduction program discretionary on the part of States, and provides a simple and straightforward method by which States can designate alternative methods to achieve equivalent emission reductions.

H.R. 325 removes a Federal Clean Air Act requirement which many have found to be overly burdensome. The present statutory language of section 182(d)(1)(B) requires a specific State implementation plan, or “SIP” revision, for the ETR program. It also requires compliance plans to be filed by private employers and requires a 25-percent increase in the average vehicle occupancy of vehicles driven by employees. All of these Federal mandates are now abolished and replaced with a voluntary program.

Under the reported bill, States will decide for themselves whether they wish to implement employer-trip-reduction programs—known by the acronyms ETR or ECO—as part of their efforts to meet Federal Clean Air Act standards. With regard to current ETR SIP revisions which have already been approved or submitted to the Environmental Protection Agency, a formal SIP revision will not be required. Instead, States will be free to designate alternative efforts they have undertaken or will undertake to achieve equivalent emissions.

I want to acknowledge the hard work and assistance of several Members with regard to this legislation. Representative DONALD MANZULLO introduced the underlying bill and assembled a list of 166 cosponsors from both sides of the aisle.

Chairman JOE BARTON, of the Subcommittee on Oversight and Investigations, devoted an entire hearing to the ECO program and helped to construct a solid committee record which underpins today's legislative effort. Representatives DENNIS HASTERT and JIM

GREENWOOD were active participants in the oversight subcommittee hearings and helped to explore several issues through follow-up correspondence with the Environmental Protection Agency.

I would also note that Representative HASTERT offered a successful amendment at the full committee level which had been previously negotiated with ranking minority member HENRY WAXMAN. This amendment is incorporated within H.R. 325 and its approval has allowed us to proceed in a truly bipartisan manner.

Altogether, I believe that H.R. 325, as amended by the Commerce Committee, demonstrates that it is possible to alter provisions of the Clean Air Act without sacrificing environmental goals. We can increase the flexibility of the Clean Air Act and allow States more latitude in meeting standards imposed by the law.

In view of our success with respect to H.R. 325, I also believe it is unfortunate that the present administration has consistently opposed any and all amendments to the Clean Air Act—no matter how necessary or how justified. This position is simply illogical and untenable. Congress has the inherent duty to fix misguided or ineffective legislation.

I hope that the success of this legislative effort will help to promote a reconsideration of this position and I look forward to working with my House colleagues to make further improvements and refinements to the Clean Air Act.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume in discussing this legislation and urging my colleagues to vote for the bill.

I want to congratulate the gentleman from Illinois [Mr. MANZULLO] for this legislation. It would permit the States at their discretion to choose some other alternative manner to achieve their emissions reductions than the car pooling or the ECO arrangement as spelled out in the existing Clean Air Act.

The bill is emissions neutral. It requires States that opt-out of the ECO program to make up the emission reductions from other sources.

The administration, to my knowledge, has expressed no opposition to this legislation. I would urge the President to sign the bill. I think it is a helpful piece of legislation in clarifying and correcting a problem that has come into some controversy in some of the States.

Mr. Speaker, I think that, even with this bill, many areas will retain the ECO programs, and for good reason.

We knew in 1990 that the increases in the number of vehicles on the Nation's roads and the increases in the distances that these vehicles travel could cancel much of the gain we would expect from the cleaner cars and cleaner fuels mandated by the Clean Air Act. Between 1970 and 1990, the number of vehicle miles traveled in this country doubled. Both

total miles and trips per day continue to grow at a rate faster than the population or the economy. If we hold to these present growth rates, automobile-related emissions, currently down due to the tough tail-pipe standards and clean fuel programs of the 1990 Act, and will start to climb within the next 10 years. And the clean air gains we have made will be put in jeopardy.

It should also be emphasized that while this bill allows States the flexibility to implement alternative measures, States can retain their ECO programs. Indeed, I fully expect that many of these programs will be retained. A well-designed and well-run ECO program can provide not only emissions reductions, it can reduce traffic congestion, provide employees with more commuting options, and encourage employer participation in regional transportation planning.

And some employers report more than these successes, they report improved bottom lines. For instance, a California company was able to avoid building a \$1 million parking garage due to its trip reduction measures. A Connecticut employer found that sales staff staying later in the day as part of their compressed work week increased West Coast sales. Clearly both employers and the breathing public can benefit from these programs.

Mr. Speaker, I support this bill. I urge my colleagues to support the bill.

I want to reserve the balance of our time on this side of the aisle so that other Members, should they wish to speak on the matter, will have an opportunity and that we can further the debate should there be any issues that need to be clarified.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. MANZULLO], the originator of this legislation.

Mr. MANZULLO. Mr. Speaker, the Clean Air Act mandates that in the 14 population centers across the Nation, States require companies with 100 or more employees to reduce the number of automobile work-related trips to and from work. The EPA estimates the number of people impacted to be between 11 and 12 million and that the cost of this would be somewhere between \$1.2 billion and \$1.4 billion annually. The number of affected businesses ranges in the area of 30,000.

This past January, an Assistant Administrator from the EPA stated that car pooling simply does not work under all circumstances. In fact, the exact words are, "The air emission reductions from these programs are minuscule, so there is not any reason for the EPA to be forcing people to do them from an air quality perspective. We are not going to double check those plans. We are not going to verify them. We are not going to enforce them."

Our bill, H.R. 325, as amended, is a simple commonsense bill that will not change the goals or standards of the Clean Air Act. They will not change the deadlines set up in the act. It simply lets the States decide if they want to use trip reduction in their menu of options for cleaning the air. Thus, it makes this mandate now voluntary.

Working with distinguished Members and staff of the Committee on Commerce, particularly Bob Meyers and Charles Ingebreton, and my colleague from Los Angeles, the gentleman from California [Mr. WAXMAN], Phil Barnett and Phil Schilero of the staff, we were able to come up with a clarifying amendment that stipulates the emissions reductions committed to in the State implementation plans for trip reduction will be made up in some other fashion.

Where the original bill is implicit, the amended version is now explicit that the emissions will be made up. But, and this is very important, the emissions will not need to be equivalent to those that would have been achieved under a full-scale compliance with the current law. Simply, the State must account for those emissions actually set apart for trip reduction purposes.

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In other words, a State may offer any plan that is outside what is required under current law. If a State would have only accomplished removing 2 tons of emissions per day utilizing the current employer trip reduction mandate, a State, with a mandatory—required—program stipulating 15 tons of emission removal per day, may add 2 tons per day to that same activity because anything over and above the mandatory requirement is, by definition, nonmandatory. That basically means that identified reduction may make up for those emissions that go over and above the requirements of the law.

Is that the way the gentleman from Florida [Mr. BILIRAKIS] understands it?

Mr. BILIRAKIS. Mr. Speaker, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Speaker, I say to the gentleman that this is my understanding of the amended bill and certainly the intent of it.

Mr. MANZULLO. I thank the gentleman from Florida.

Two years ago I was approached by several business owners in McHenry County, IL, in the congressional district I represent. Jim Allen, Vince Foglia of Dan McMullen Local Leaders, took their time to educate me about this mandate started in the last Congress. Dan McMullen traveled to Washington to testify before our Committee on Small Business Subcommittee on Procurement, Exports, and Business Opportunities. He also testified before a field hearing which the gentleman from Illinois [Mr. POSHARD] chaired in Crystal Lake, IL. The people such as the gentleman from Texas [Mr. BARTON], and the gentleman from Florida [Mr. BILIRAKIS], and the gentleman from Illinois [Mr. HASTERT] are also dramatically responsible for this bill.

Businesses in Illinois will spend between \$200 million and \$210 million if this mandate had been allowed to exist.

But today this shows that, working together, we can maintain the high standards of clean air to which we all ascribe while at the same time giving the States maximum flexibility in order to reach those clean air standards.

Many Governors such as Illinois Governor Jim Edgar have been critical of this mandate and issued moratoriums on the mandate. California recently enacted two laws essentially eliminating the trip reduction mandate from State law. Some States, such as New York, have been enforcing the law by travel to Westchester County, NY, to speak about this with our good colleague, the gentlewoman from New York [Mrs. KELLY]. There are some very real problems in that State as a result of the enforcement of this inflexible law.

I want to close by saying that I am extremely happy and encouraged to know that this body can come together in a bipartisan basis to reach accommodation on this issue. This is a commonsense solution that everybody can support. I deeply appreciate the efforts of all involved and, Mr. Speaker, this also goes to show something else, that when parties recognize a problem, and cross over philosophical and party lines and sit down and work very, very hard; many times into the late evening I recall at one meeting when Bob Myers and I met at midnight in order to make sure this language is correct, that we can achieve a consensus and move forward on passing legislation through the House of Representatives, and I especially want to thank my colleague, the gentleman from California [Mr. WAXMAN], for his graciousness and his tenacity in trying to work with me in steering this through the House of Representatives.

Mr. BILIRAKIS. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. HASTERT].

(Mr. HASTERT asked and was given permission to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, I rise in strong support of this legislation. At first I would like to thank the distinguished gentleman from Florida [Mr. BILIRAKIS] and the gentleman from Virginia [Mr. BLILEY] for moving this bill so quickly through committee. I would also like to compliment the gentleman from California [Mr. WAXMAN], my good friend, for his good-faith efforts in working with us to perfect and draft perfecting language to the bill. Also my good neighbor to the north, the gentleman from Illinois [Mr. MANZULLO], has helped, and we worked on this bill through finding out from our employers, people who employ over 100 folks in their places, high schools, school districts, that they, quite frankly, could not make this thing work, and it was going to cost a lot of money, and it did not do what it was supposed to do.

Mr. Speaker, the bills before us today deal with the Clean Air Act, an act I voted for in 1990. I believe in the under-

lying intent of the Clean Air Act—to clean up the air we breathe, and maintain high air quality. Those are worthy goals and I am fully committed to them.

However, the Clean Air Act, although well-intentioned is not perfect. After 4 years of implementation, we know that one particular provision of the act is not working. That provision is commonly referred to as ECO—it is the forced carpooling program. Under this provision, States with severe or extreme ozone nonattainment areas must implement a program which forces workers to carpool. There is no flexibility in this mandate. The way it is written on the books, it is simply unworkable, and it is contributing no significant improvements to air quality.

The USEPA has determined that while the forced carpooling program will cost billions of dollars to implement, it produces only minuscule air quality improvements. After that recognition, USEPA indicated its intent not to enforce the forced carpooling program against individual employers.

Further, the States have given up trying to implement this flawed program. In Illinois, after months of making a good-faith effort to implement this program, our Governor finally gave up and told our employers last March that he will not enforce the forced carpooling program in Illinois. He made that decision after it became clear that Illinois businesses alone would be spending \$210 million a year to implement a program which was not working. It was not working because Americans do not want to be told they cannot use their own cars to come in early, or to stay late, or to drop their daughter off at preschool on their way to work.

The program has failed nationwide. Several other Governors and State legislatures have joined Illinois' Governor in deciding not to enforce the forced carpooling program.

But State action and EPA intent can only provide partial relief from this mandate.

One of the things I thought was very, very showing in this piece of legislation:

If my colleagues had a small business on the edge of an urban area, suburban area, and they drew their employees from rural areas, they had to decrease their carpooling and riding from 25 percent, notwithstanding those people did not have mass transportation, there is no way to get in to work. It is a program that just did not work, but yet, if my colleagues were in a high school, and they had 1,000 kids in the high school and 100 teachers, the teachers would have to carpool or find another way to work, but yet every kid could drive. It just did not make sense, it did not work, and this a good piece of legislation to change what does not work.

Mr. BILIRAKIS. Mr. Speaker, I yield 3½ minutes to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, I rise in strong support of H.R. 325, and I

encourage every Member of the House to support this important bipartisan legislation.

The hearings conducted by the House Commerce Committee's Oversight and Investigations Subcommittee, on which I serve, provided us with an important opportunity to identify provisions in the Clean Air Act which were imposing undue hardship and economic costs on the States, businesses, and individual motorists. There was universal agreement that the Employer Trip Reduction [ETR] Program was overly prescriptive and of questionable value in terms of improving overall air quality.

The Employer Trip Reduction Program requires all employers with 100 or more employees in severe or extreme ozone nonattainment areas to reduce work-related vehicle travel by 25 percent.

The Employer Trip Reduction Program is based on the theory that a reduction in the number of employee trips to and from work would result in reduced air emissions from mobile sources. It was assumed by the authors that this reduction in air emissions would, in turn, assist the Nation's most polluted areas in complying with national ambient air quality standards. If these assumptions proved to be true, I would oppose this legislation to repeal the program.

But witness after witness, some of whom have done extensive computer modeling, have made compelling arguments that it is nearly impossible to devise plans which meet the required reductions. Furthermore, EPA's Assistant Administrator for Air and Radiation, Mary Nichols, has stated that the air quality benefits from this program are "minuscule."

In my district, companies have struggled for years and spent millions of dollars to develop plans to comply with the ill-conceived Employer Trip Reduction Program. Nationally, this program has a net social cost of \$1.2 to \$1.4 billion a year. And for this enormous sum of money, the program would only provide marginal environmental benefits, while imposing real hardships on both employees and employers.

June Barry, vice president of human resources at Betz Laboratories in Trevose, PA, located in my Congressional district, testified in March that:

Many of our work force are members of dual career families. A significant percentage of our work force goes to school at night to pursue graduate education and undergraduate degrees. Are we responsible in emergency situations dealing with child care and elder care and education and the variety of other problems that people encounter to get the employee to their family when car pools don't work? Since our business is worldwide, the majority of the professional work force cannot leave at a preappointed time, mainly due to customer calls and servicing the customer. What does forcing people into car pools really mean? It means that regardless of whether you have a family obligation, church obligation, night school or a

variety of other things that you do to and from work, the Federal Government is going to tell you when you can go to work and when you can leave; that you have to hop into a van pool or a car pool despite your individual needs or obligations * * *.

H.R. 325 makes the ETR program a voluntary program. The States would still have the option of implementing such a program, but this bill would give them the power to develop programs that best meet the needs of their residents.

I commend Chairmen BILEY, BILIRAKIS, and BARTON, as well as Congressmen MANZULLO and WAXMAN for their efforts, and encourage my colleagues to support this important legislation.

Mr. BILIRAKIS. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I thank the gentleman from Florida [Mr. BILIRAKIS] for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 325. I am an original cosponsor of this bill which makes the employee commute options or the echo provisions of the Clean Air Act voluntary. H.R. 325 would amend the Clean Air Act which requires States and companies in areas where pollutant levels are designated severe to reduce work-related trips by 25 percent. The Chicago area has been classified by the EPA as an area of severe ozone nonattainment as formulated under the Clean Air Act, although the accuracy, I think, of this particular classification is in question. The echo provisions would have forced employees and employers to limit the amount of trips made by employees, a costly and unproven remedy for the ozone problems. A recent congressional research study estimates that nationwide the echo efforts have cost \$1.2 billion per year, and yet the annual reductions in emissions attributable to these programs have been less than 1 percent.

The legislation, as approved by the House Committee on Commerce includes an amendment which requires States who choose not to participate in the ECO program, to submit in writing to the Environmental Protection Agency alternative methods it will use to achieve emission reductions that are equivalent to those in the trip-reduction program. In this way, the bill allows maximum flexibility for the States, without compromising air quality.

Mr. Speaker, I would like to thank the gentleman from Illinois [Mr. MANZULLO] for his tenacity and his leadership on this issue. I have been an active participant in a coalition of business groups, other Members of Congress, Governors, and interested parties who studied this problem from the beginning to find a workable solution. I am pleased to see the House consideration of this bill, a perfect candidate for corrections day. I strongly support H.R. 325, and urge a "yea" vote on this legislation.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. COX].

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Mr. COX of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise, as well, in strong support of H.R. 325. I too am an original cosponsor, and as vice chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce, we have had 12 hearings on the Clean Air Act, and we have heard repeatedly testimony in support of this commonsense reform and opposed to continuing this unfunded and ineffective mandate.

We ought to call H.R. 325 the Victory for Common Sense Act, because the truth is it relies on our native common sense. The ability to reason, to learn from experience, is what distinguishes human beings from other life forms. If you are doing the same thing over and over again, and you continue to get no results but you continue to waste money in the process, it is time to learn from that experience. It is time to stop and do things a better, a different, another way.

That is what we are setting out to do here today. It is not just the waste of money, yielding no results for businesses that we are worried about. It is the waste of money for our schools, for almost everyone whose employees drive to work.

Listen to some of the comments that we have received from school districts in southern California. The Tustin Unified School District was forced to spend \$73,000 for their ride-sharing plan for teachers that did not work.

Another school district wrote: "The mandatory trip reduction plan has been very costly to us. It has diverted already scarce funds away from the education of children, from classroom use," to support a program that does not work.

The Capistrano Unified School District said: "The additional financial hardships we are facing make this mandated program extremely detrimental to meet the educational needs of the children in our districts."

McDonnell Douglas, a big employer of the kind that we have been hearing about on the floor today, tried in earnest to get this Federal mandate to work. They spent millions of dollars training employee coordinators, providing direct financial incentives to workers so they would car pool. They bought bicycles. They built showers and locker rooms so employees could bike, run, or walk to work. None of this, even hosting ride-share events, made even a dent in the average vehicle occupancy rate of their employees.

Today we are saying enough; enough to the vast expense that in California, under our similar program, was costing \$200 million a year. Let us spend this money on the education of students. Let us spend it on employee wages. Let

us spend it on other efforts to clean up our air that really work.

I congratulate the chairman, the gentleman from Florida [Mr. BILIRAKIS], and the other Members who have brought this legislation to the floor. I look forward to a swift vote on passage.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this bill. The gentleman from Illinois [Mr. MANZULLO] has done a very good job of correcting one of the problems we have seen in the Clean Air Act. My experience in reviewing various Clean Air Act regulations stems from my work with Vice President Quayle's Competitiveness Council, and then as a Member of Congress looking at that act and saying, do the regulations that are required there make sense; do they use common sense in trying to reach a goal that we all share of having cleaner air in this country?

This regulation, the trip reduction mandate, or what I think of as mandatory carpooling, does not make sense on that commonsense basis. It is extremely costly, anywhere from \$1.2 to \$1.6 billion to implement, and provides very little benefits in terms of cleaner air for some of the country's areas where we have the most difficulty with air pollution.

I think there are a lot of alternative approaches that have been thought about by the agency, the Environmental Protection Agency, by citizens working on this area. One of the most creative ones is a project that we worked with at the Competitiveness Council called Cash for Klunkers, where the studies showed that older cars actually produced a vast, disproportionate amount of the air pollution in our cities, and if we could pay a bonus for taking those older cars off of our freeways, we could go a lot further in reaching the goal of cleaner air.

Those innovative ideas, frankly, are not possible if we have to devote an enormous amount of our resources in meeting this regulation that provides very little benefit for the environment. I commend the chairman of the committee on his work for this corrections bills. I commend the gentleman from Illinois [Mr. MANZULLO] for his work in taking the leadership in introducing the bill, and I want to urge my colleagues in the House to vote "yes" on H.R. 325.

Mr. STARK. Mr. Speaker, I would like to compliment the chairman and the ranking member of the Commerce Committee's Health and Environment Subcommittee, Mr. BILIRAKIS and Mr. WAXMAN, for bringing H.R. 325 to the floor today.

This legislation gives greater reign to local authorities in determining how best to meet pollution standards. H.R. 325, a balance has

been struck between providing greater flexibility while maintaining the commitment to achieving the federal goals.

If the author of H.R. 325, Mr. MANZULLO of Illinois, had come to the floor with a bill that provided flexibility to States but eliminated the Federal standards of performance, there would not be the bipartisan support you see today.

There is a consensus across America that the days of polluted skies should be no more. There is a recognition by citizens across America that what occurs in one State impacts the quality of life in another State.

I am puzzled that in other areas of Federal policy where a national consensus is as strong, the new Majority has taken a different approach. I believe we can learn something from the approach taken in H.R. 325 and carry it to other areas of vital importance to Americans.

I'd like to take just a couple of minutes to do just that—highlight how the example of H.R. 325 can be instructive for legislating in other areas of vital importance to Americans.

The Republican plan for Medicaid provides the greatest contrast in approach to H.R. 325. Flexibility for States abounds. Standards are absent. Rather than maintain the Federal guarantee for Americans of very modest means to a set of health care benefits, under the guise of State flexibility Republicans remove any semblance of accountability.

Republicans intend to send checks to the States totaling \$790 billion over the next 7 years with little-to-no requirements on how States must perform. This is in contrast to the structure of H.R. 325 which provides flexibility but maintains standards of performance.

For \$790 billion in taxpayer money, it would seem reasonable to require States to guarantee health insurance coverage to low-income Americans.

Does the Republican Medicaid plan guarantee that all kids that live in poverty have comprehensive health insurance coverage? No. Does the Republican Medicaid plan guarantee that the Medicare Part B premiums of low-income senior citizens are paid? No. Does the Republican Medicaid plan guarantee a nursing home bed to those who are entitled today? No. Does the Republican Medicaid plan continue the guarantee of coverage for Medicare-related copayments and deductibles for poor seniors? No. Does the Republican Medicaid plan require States to provide even just one person a comprehensive package of health insurance benefits, something equivalent to what they as Members of Congress receive? No.

Why not apply the model of H.R. 325? Why not hold States accountable? Why shouldn't we guarantee American taxpayers that their taxes will be spent as promised?

H.R. 325 requires that an equivalent level of emission reductions be achieved. The Republican Medicaid plan does not require an equivalency of performance. This difference in standards is not trivial.

The Urban Institute predicts that 4 to 9 million Americans will lose health insurance coverage because of the Republican Medicaid plan. Consumers Union, the publishers of Consumers Reports, has estimated that 395,000 nursing home residents are likely to lose Medicaid payment for their care next year if the Republican Medicaid plan is approved. The Council on the Economic Impact of Health

Care Reform—a panel of respected health economists—found that that the uninsured rolls will soar to over 66 million Americans, or one-in-four Americans, under the Republican plans. This is a 70-percent increase in the number of uninsured Americans over today's level.

H.R. 325 extends flexibility in meeting national goals; it does not eliminate them. Likewise, flexibility for States in meeting the health care needs of low-income Americans should not be used as a cover to shred the national commitment to a health care safety net.

While the guarantee to coverage is explicitly eliminated under the Republican Medicaid bill, I'd argue that the spending for Medicaid isn't enough to meet the national commitment either.

I believe that a per person growth rate of under 2 percent isn't wise. It's rationing. Members of Congress would never inflict that type of constraints on their own health care spending. In fact they don't. Under the Republican budget, taxpayer spending for their health insurance will increase right along with health care inflation.

But whatever the amount of health care spending, we should hold States accountable for how they spend the money we give them. As with H.R. 325, there must be accountability.

The balance struck in H.R. 325 between providing broader flexibility to States at the same time requiring that national goals be met should apply to other initiatives as well, like Medicaid. If Republicans tried this approach, they might find themselves with the support of Congressional Democrats. And instead of having their Medicaid bill vetoed, they'd have the support of President Clinton.

Mr. ARCHER. Mr. Speaker, today is a chance for the House to loosen one knot in the woven, tangled mess called the Clean Air Act Amendments of 1990. The employee trip reduction plan for implementation is a costly and confusing mandate that only benefits the argument for regulatory reform and cost/benefit analysis.

Of course I support efforts to reduce pollution, as do the employers and employees of my district. But what I cannot support is an inflexible, ineffective and impractical requirement such as the employee trip reduction plan. It makes no sense to demand compliance with a plan that promises less than a 1-percent reduction in emissions, and guarantees a much larger increase in headaches.

In a city the geographical size of Houston, it is naive to assume public transportation and carpooling are the most practical options for reducing auto emissions. I have heard hundreds of complaints from my constituents who must face a disruption of their work routines and compromise the quality of their private lives to comply with this impotent regulation. H.R. 325 will give States the chance to create programs that suit their communities and still achieve air quality standards.

There are smarter ways for us to reach a common goal of cleaner air. It is imperative, though, that each State decide what is most practical and more importantly, most effective.

Mr. CRANE. Mr. Speaker, I rise today in strong support of H.R. 325 for a number of reasons. But before, I elaborate on them, let me congratulate my Illinois colleague, Mr. MANZULLO, on introducing this bill and for the determined efforts he has made on its behalf.

Also, I wish to express my appreciation to the members of the Commerce Committee, and its Health and Environment Subcommittee in particular, for making today's consideration of H.R. 325 possible.

This is a measure whose time has long since come. However well intentioned, the employee commute reduction program, better known as the ECO Program, would do more harm than good. Based on prior analysis and experience, about the best that could be expected from such an approach is a 2–3 percent reduction in auto emissions, with 1 percent being a more likely figure. Not only that, but the cost of effecting such a minimal reduction in air pollution is very high. In the Chicago area, for instance, it has been estimated that implementation of the ECO Program would cost more than \$200 million annually. For all 11 severe ozone nonattainment areas nationwide, the cost of implementing ECO has been pegged at \$1.2–\$1.4 billion a year by the Environmental Protection Agency.

If money grew on trees or materialized out of thin air, it might be possible to overlook such financial considerations. But when a severe nonattainment area such as Chicago has to reduce its ozone levels by 65 percent, it is difficult, if not impossible, to justify investing so heavily in an effort that will achieve such a small fraction of that amount. Not only that, but the imposition of such costs of employers—an unfunded mandate if there ever was one—could prompt them to relocate to other areas of the country. In that event, some Chicago area workers could find themselves out of more than just a parking place at work; they could be out of job as well.

Nor is that all that would be lost. Gone are the days when, in most American families, one parent stayed at home and was in a position to handle any child care or other emergencies that might arise during the course of the work day. Now we live in an era when working parents need to be able to get home quickly should any of their children get sick or run into trouble at school or at the neighborhood child care center. Federally mandated carpooling not only deprives them of that capability but it leaves them at risk if their job requires overtime and/or unexpected evening work. Finally, the investment of time and effort into arranging carpools or other commuting alternatives could be better directed towards pollution reduction programs having far greater potential for bringing about the desired improvements in air quality.

However, all is not lost. By adopting the bill before us today, we can move away from the Federal Government telling people in certain areas how they should get to and from work and focus instead on the most effective means of reducing ozone levels and achieving compliance with existing air quality standards.

As reported by the Commerce Committee, H.R. 325 would enable us to do just that. If enacted into law, this measure would allow States having severe ozone nonattainment areas to determine for themselves whether to undertake an ECO program. However, a State deciding against the ECO approach would be obliged to identify and implement alternatives that would be at least as effective in reducing emissions. In short, States will be given more freedom to carry out their air pollution control responsibilities. But that does not mean that they will have any less of an obligation to comply with the standards and deadlines established by the Clean Air Act.

Mr. Speaker, H.R. 325 is a good, common-sense bill which is not just timely but long overdue. I urge my colleagues to give it their support.

Mrs. KELLY. Mr. Speaker, I rise in strong support of H.R. 325, legislation to make optional the Employee Commute Option [ECO] trip reduction program.

The dilemma facing Zierick Manufacturing Corp. is possibly the best reason why we should pass H.R. 325.

Zierick Manufacturing Corp. is a small manufacturer of electronic connectors and assembly equipment located in Mount Kisco in northern Westchester County, NY. With over 120 employees, they are faced with the impossible task of complying with the Employee Commute Options program.

Part of the problem is the limited availability of public transportation. In addition, the train station and the nearest bus stop are over a mile from the factory. If the employee took a cab from the station to the factory, under the regulations developed by New York State to comply with this Federal mandate, the 1-mile cab ride would be counted as if the employee drove the entire distance from home. In other words, the employee could ride a train for 50 miles, but the cab ride from the train station would be the mode of travel counted under the formula used to calculate employee trips.

Ridesharing opportunities are limited in Mount Kisco, and since Zierick employees are spread out over 12 counties in 3 States, carpools are difficult to form. Zierick is a manufacturing facility, so telecommuting is not an option.

Zierick Manufacturing is clearly faced with a set of circumstances which prevent it from complying with the law, and yet the regulations allow for no flexibility in these situations. As a result, the company presently faces fines of \$43,800 per year.

Ms. Gretchen Zierick, the company's corporate secretary, has indicated that their plans for future growth will be directly affected by this legislation.

Mr. Harold Vogt, the chairman and CEO of the Westchester County Chamber of Commerce, wrote to me recently and put this issue into perspective:

In the last five years, Westchester County has suffered enough as we've seen 40,000 jobs leave our county. The Employee Trip Reduction/Employee Commute Option Mandate gives businesses just one more reason to look elsewhere when making plans to grow. Similarly, businesses looking to relocate to our county may well think twice about moving here. We cannot afford any more disincentives to reviving Westchester's economy. We need relief from this costly and inefficient mandate.

Mr. Chairman, our support for H.R. 325 will send Zierick Manufacturing in Westchester County and the approximately 28,000 other employers around the country affected by the ECO mandate a clear message that we care about their future, and we care about creating jobs. I urge my colleagues to pass this bill.

Thank you, Mr. Chairman.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). Pursuant to the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and (three-fifths having voted in favor thereof) the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 325.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE DEMOCRATIC CAUCUS

The SPEAKER pro tempore (Mr. EWING) laid before the House the following communication from the Honorable VIC FAZIO, chairman of the Democratic Caucus.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. Capitol.

DEAR MR. SPEAKER: This letter is to inform you that Jimmy Hayes is no longer a Member of the House Democratic Caucus.

Sincerely,

VIC FAZIO,
Chairman.

COMMUNICATION FROM THE SPEAKER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Honorable NEWT GINGRICH, Speaker of the House of Representatives:

DECEMBER 12, 1995.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative James A. Hayes' election to the Committee on Transportation and Infrastructure has been automatically vacated pursuant to clause 6(b) of rule X, effective today.

Sincerely,

NEWT GINGRICH.

COMMUNICATION FROM THE SPEAKER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Honorable NEWT GINGRICH, Speaker of the House of Representatives:

DECEMBER 12, 1995.

Hon. ROBERT S. WALKER,
Chairman, Committee on Science, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative James A. Hayes' ap-

pointment to the Committee on Science has been automatically vacated pursuant to clause 6(b) of rule X, effective today.

Sincerely,

NEWT GINGRICH.

COMMUNICATION FROM THE HONORABLE HENRY A. WAXMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable HENRY A. WAXMAN, Member of Congress:

DECEMBER 7, 1995.

Hon. NEWT GINGRICH,
The Speaker of the House, Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena issued by the Los Angeles County Superior Court.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

HENRY A. WAXMAN,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

FEDERALLY SUPPORTED HEALTH CENTERS ASSISTANCE ACT OF 1995

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1747) to amend the Public Health Service Act to permanently extend and clarify malpractice coverage for health centers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Federally Supported Health Centers Assistance Act of 1995".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 2. PERMANENT EXTENSION OF PROGRAM.

(a) IN GENERAL.—Section 224(g)(3) (42 U.S.C. 233(g)(3)) is amended by striking the last sentence.

(b) CONFORMING AMENDMENTS.—Section 224(k) (42 U.S.C. 233(k)) is amended—

(1) in paragraph (1)(A)—